

1 Eugene P. Ramirez (State Bar No. 134865)  
2 *eugene.ramirez@manningkass.com*  
3 Kayleigh Andersen (State Bar No. 306442)  
4 *kayleigh.andersen@manningkass.com*  
5 **MANNING & KASS**  
6 **ELLROD, RAMIREZ, TRESTER LLP**  
7 801 S. Figueroa St, 15<sup>th</sup> Floor  
8 Los Angeles, California 90017-3012  
9 Telephone: (213) 624-6900  
10 Facsimile: (213) 624-6999

11 Attorneys for Defendant, County of San  
12 Bernardino

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 A.H. and H.H., in each case a minor, by  
12 and through their guardian ad litem,  
13 Crystal Hanson, individually and as  
14 successor in interest to Shane Holland,  
15 deceased; C.H., a minor, by and through  
her guardian ad litem, Reymi Updike,  
individually and as successor in interest  
to Shane Holland, deceased, and  
PATRICIA HOLLAND, individually,

16 Plaintiff,

17 v.

18 COUNTY OF SAN BERNARDINO;  
19 JUSTIN LOPEZ and DOES 1-10,  
inclusive

20 Defendant.

Case No. 5:23-cv-01028-JGB (SHKx)  
District Judge: Jesus G. Bernal  
Magistrate Judge: Shashi H. Kewalramani

**DECLARATION OF KAYLEIGH  
ANDERSEN IN SUPPORT OF  
DEFENDANTS' MOTION FOR A  
TEMPORARY STAY OF  
DISCOVERY PENDING THE  
CALIFORNIA DEPARTMENT OF  
JUSTICE CRIMINAL  
INVESTIGATION**

Date: January 8, 2024  
Time: 9:00 a.m.  
Judge: Jesus G. Bernal  
Crtrm: 1

## DECLARATION OF KAYLEIGH ANDERSEN

I, Kayleigh Andersen, declare as follows:

4       1. I am an attorney duly admitted to practice before this Court. I am an  
5 attorney with Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record  
6 for Defendants County of San Bernardino and Officer Justin Lopez. I have personal  
7 knowledge of the facts set forth herein, and if called as a witness, I could and would  
8 competently testify thereto. I make this declaration in support of Defendants  
9 County of San Bernardino and Officer Justin Lopez' Motion for a Temporary Stay  
10 of Discovery Pending the California Department of Justice Criminal Investigation.

11       2.     On November 20, 2023, I searched the California Department of  
12 Justice's ("CA DOJ") website to find information related to the officer-involved  
13 shooting investigation of Mr. Shane Holland's death.

14       3. To try and determine an estimated timeframe in which these  
15 investigations are completed, I searched various articles and policies on the CA  
16 DOJ's website. While I did not find information related to the timeline of these  
17 investigations, I did find additional information on the California Police Shooting  
18 Investigation Team ("CaPSIT"), the team charged with conducting investigations  
19 into officer-involved shootings, cited in this motion at <https://oag.ca.gov/bi/capsit>. A  
20 true and correct copy of the article titled "California Police Shooting Investigation  
21 Team (CaPSIT) Program" is attached hereto as **Exhibit A**.

22 4. I also searched the "Current Cases" page of the CA DOJ's website at  
23 <https://oag.ca.gov/ois-incidents/current-cases> to find the list of currently pending  
24 investigations. Accordingly, the website confirms that Mr. Holland's case is  
25 currently under investigation. A true and correct copy of the CA DOJ's current  
26 officer-involved shooting investigations is attached hereto as **Exhibit B**.

27       5.     In an additional attempt to obtain an estimated timeframe in which the  
28 investigation regarding Mr. Holland's death would be completed, Defendants

1 contacted the CA DOJ. Unfortunately, the department was unable to provide any  
2 such timeline.

3       6. Additionally, I reviewed the CA DOJ's case archive of closed cases  
4 which I found at the website <https://oag.ca.gov/ois-incidents/case-archive> on  
5 November 20, 2023. A true and correct copy of the CA DOJ's case archive of officer  
6 involved shooting investigations is attached hereto as **Exhibit C**.

7       7. I then clicked on each of the four archived cases to determine when the  
8 reports were issued and determined that the time it takes the CA DOJ to complete its  
9 officer-involved shooting investigations has ranged from 16 months to 25 months.  
10 The following information is true and accurate as calculated to the best of my ability  
11 on November 20, 2023:

- 12       A. Case BI-LA2021-00017:  
13           Opened: July 15, 2021  
14           Report Issued: November 2022  
15           Investigation Length: 16 months
- 16       B. Case BI-LA2021-00021  
17           Opened: August 21, 2021  
18           Report Issued: January 2023  
19           Investigation Length: 17 months
- 20       C. Case BI-LA2021-00027  
21           Opened: September 28, 2021  
22           Report Issued: May 2023  
23           Investigation Length: 18 months
- 24       D. Case BI-RI2021-00030  
25           Opened: September 28, 2021  
26           Report Issued: November 2023  
27           Investigation Length: 25 months

28       8. The CA DOJ website provides that four reports have been issued  
29 indicated that these investigations are now closed. As of this date, there are only  
30 thirteen cases preceding the investigation into the death of Mr. Shane Holland. See  
31 **Exhibit B at pp. 8-10.**

32       9. Prior to filing the instant motion, I informed Plaintiffs' Counsel that  
33 Defendants intended to seek a stay of discovery as to Defendant Officer Justin  
34 Lopez. Subsequently, our office sent a formal meet and confer letter on October 19,

1 2023, describing in detail the grounds upon which a motion would be brought  
2 seeking the same. A true and correct copy of the meet and confer letter our office  
3 sent is attached hereto as **Exhibit D**.

4 10. On October 26, 2023, Plaintiffs' Counsel, Ms. Renee Valentine advised  
5 Defendants that Plaintiffs would not agree to a stay. A true and correct copy of  
6 Plaintiffs' Counsel's email declining to agree to a stay is attached hereto as **Exhibit**  
7 **E**.

8 11. In an effort to provide Plaintiffs with requisite discovery, while  
9 protecting Defendants' interests, particularly Defendant Officer Justin Lopez's  
10 rights, Defendants offered to enter into a Stipulated Protective Order with Plaintiffs  
11 and agreed to produce certain records pursuant to that agreement.

12 12. As such, the parties entered a Stipulated Protective Order on or about  
13 October 26, 2023. Subsequently, and pursuant to this protective order, Defendants  
14 on November 3, 2023, produced a substantial amount of evidence to Plaintiff  
15 including, but not limited to: (1) Defendant Officer Lopez's belt recording of the  
16 incident; (2) the transcript of the belt recording; (3) Officer Rios' belt recordings 1  
17 and 2; (4) Officer Hillebrand's belt recordings 1, 2, and 3; (5) Deputy Rivas' belt  
18 recording; (6) photos of the scene and evidence; (7) the homicide investigation by  
19 San Bernardino's Sheriff's Officer, including reports, and CCTV video from the  
20 surrounding area; (8) Post Profile re: Lopez, J.; (9) San Bernardino Sheriff's  
21 Department Manual Master; (10) Interview of Robert Hanson and transcript of the  
22 same; (11) Interviews of Sgt. Rios, Dep. Hillebrand; (12) Coroner Investigation;  
23 (13) autopsy and corresponding reports; (13) numerous other reports, including the  
24 Initial Incident Report and supplemental reports. Additional evidence was produced  
25 and is listed in full in Defendants First Supplemental Disclosures Pursuant to  
26 Federal Rule of Civil Procedure 25(A)(1) served to Plaintiffs on November 3, 2023.

27 13. Defendants now seek a temporary stay of discovery as to Defendant  
28 Officer Justin Lopez to protect his rights and prohibit infringement.

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed on this 30th day of November, 2023, at Los Angeles, California.  
4

5 /s/ Kayleigh Andersen  
6 Kayleigh Andersen



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# **EXHIBIT A**

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**ROB BONTA**  
*Attorney General*

# California Police Shooting Investigation Team (CaPSIT) Program

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/ *California Police Shooting Investigation Team (CaPSIT) Program*

On September 30, 2020, Assembly Bill (AB) 1506 was signed into law, which required the California Department of Justice (DOJ) to investigate all incidents of an officer involved shooting (OIS) resulting in the death of an unarmed civilian. This mandate went into effect on July 1, 2021. The Division of Law Enforcement's (DLE) California Police Shooting Investigation Team (CaPSIT), working collaboratively with the respective local law enforcement agency, will be responsible for the criminal AB 1506 investigation from the inception to the conclusion. The investigation will include the totality of the circumstances and analysis per California Penal Code § 835a, along with legal review by the California Attorney General's Office.

All AB 1506 investigations shall be conducted as fact-based investigations built on the foundations of objectivity and transparency. The CaPSIT will utilize to the fullest capacity those leading investigative techniques and technological resources to ensure the highest OIS investigative industry standards. Such investigations can often last unabated for several days or longer depending on the circumstances involved in each

unique situation. The goal of the CaPSIT program is to produce the most comprehensive, thorough, accurate and timely investigation possible which can be confidently relied upon by all Californians.

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# **EXHIBIT B**



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**ROB BONTA**  
*Attorney General*

# Current Cases

## Current Cases Under Review by the California Department of Justice

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. The California Department of Justice will investigate and review for potential criminal liability all such incidents.

All cases currently being handled by the California Department of Justice under AB 1506 will be listed here as soon as possible. During the immediate aftermath of a critical incident, the initial point of contact will typically be the local responding agency.

DOJ Case Number	Case Details	Status
BI-RI2023-00057	<b>Date:</b> 11/19/2023 <b>Decedent:</b> Unidentified <b>Agency:</b> California Highway Patrol <b>Location:</b> I-105/Wilmington Exit, Lynwood, Los Angeles County	Under Investigation

DOJ Case Number	Case Details	Status
BI-RI2023-00017	<p><b>Date:</b> 11/11/2023</p> <p><b>Decedent:</b> Jaime Valdez</p> <p><b>Agency:</b> Fontana Police Department</p> <p><b>Location:</b> 7197 Big Sur Street, Fontana, San Bernardino County</p> <p><b>Involved Officer:</b> Alex Yanez</p>	Under Investigation
BI-LA2023-00053	<p><b>Date:</b> 10/29/2023</p> <p><b>Decedent:</b> Abigail Crystal Lopez</p> <p><b>Agency:</b> Anaheim Police Department</p> <p><b>Location:</b> Anaheim Boulevard &amp; Ball Road, Anaheim</p>	Under Investigation
BI-SF2023-00013	<p><b>Date:</b> 09/17/2023</p> <p><b>Agency:</b> California Highway Patrol</p> <p><b>Location:</b> Humboldt County in the City of Hoopa</p>	Under Investigation
BI-SA2023-00068	<p><b>Date:</b> 09/11/2023</p> <p><b>Agency:</b> Stockton Police Department</p> <p><b>Location:</b> Intersection of N Pershing Ave &amp; W Fremont St Stockton, CA 95203</p> <p><b>Involved Officer:</b> Marcos Alonso</p>	Under Investigation
BI-RI2023-00011	<p><b>Date:</b> 08/31/2023</p> <p><b>Decedent:</b> Elizandro Vargas</p> <p><b>Agency:</b> El Centro Police Dept.</p> <p><b>Location:</b> 1900 Block of Ocotillo Drive, El Centro</p> <p><b>Involved Officer:</b> Adrian Hirales</p>	Under Investigation
BI-SF2023-00012	<p><b>Date:</b> 08/18/2023</p> <p><b>Decedent:</b> Tahmon Wilson</p> <p><b>Agency:</b> Martinez Police Department</p> <p><b>Location:</b> 4808 Sunrise Drive, Martinez, CA</p> <p><b>Involved Officer:</b> Cole Bennett, Alexander Tirona, Marc Kahue, Raul Ceja-Mendez</p>	Under Investigation

DOJ Case Number	Case Details	Status
BI-SA2023-00048	<p><b>Date:</b> 07/03/2023</p> <p><b>Agency:</b> California Highway Patrol and Alameda County Sheriff's Office</p> <p><b>Location:</b> 1600 Block 163rd Avenue at Liberty Street, Ashland, Alameda County</p>	Under Investigation
BI-LA2023-00020	<p><b>Date:</b> 05/27/2023</p> <p><b>Agency:</b> Burbank Police Department</p> <p><b>Location:</b> 1200 S. Flower Street, Burbank</p> <p><b>Involved Officer:</b> Peter Choi, Jose Placencia, Geovanni Fabian</p>	Under Investigation
BI-LA2023-00018	<p><b>Date:</b> 04/28/2023</p> <p><b>Decedent:</b> Michael Owens</p> <p><b>Agency:</b> Oxnard Police Department</p> <p><b>Location:</b> 235 E. 17th Street, Oxnard</p> <p><b>Involved Officer:</b> Manuel Garcia</p>	Under Investigation
BI-SF2023-00006	<p><b>Date:</b> 04/29/2023</p> <p><b>Decedent:</b> Jesus Guzman Jr.</p> <p><b>Agency:</b> California Highway Patrol</p> <p><b>Location:</b> I-5 Southbound / County Road 33, Glenn County</p> <p><b>Involved Officer:</b> Steve Bryant</p>	Under Investigation
BI-SF2023-00037	<p><b>Date:</b> 04/16/2023</p> <p><b>Decedent:</b> Joel Villegas</p> <p><b>Agency:</b> Tulare Police Department</p> <p><b>Location:</b> Bardsley Avenue and Vetter Street, Tulare</p> <p><b>Involved Officer:</b> Daniel Bradley, Adan Barragan</p>	Under Investigation

DOJ Case Number	Case Details	Status
BI-SF2023-00005	<p><b>Date:</b> 04/13/2023</p> <p><b>Decedent:</b> Elmer Lopez-Castaneda</p> <p><b>Agency:</b> Newark Police Dept. and Fremont Police Dept. (Alameda County)</p> <p><b>Location:</b> 39150 Cedar Boulevard (Cedar Boulevard and Mowry Avenue), Newark</p> <p><b>Involved Officer:</b> Thomas Degenstien, Anthony Piol, Jessie Hartman, and Trevor Damewood</p>	Under Investigation
BI-LA2023-00013	<p><b>Date:</b> 04/05/2023</p> <p><b>Decedent:</b> Victor Eduardo Nava</p> <p><b>Agency:</b> Southgate Police Department</p> <p><b>Location:</b> 5600 Block District Boulevard, Vernon (Los Angeles County)</p>	Under Investigation
BI-RI2023-00006	<p><b>Date:</b> 03/18/2023</p> <p><b>Decedent:</b> Guillermo Huerta</p> <p><b>Agency:</b> Bakersfield Police Department</p> <p><b>Location:</b> Bakersfield, Kern County</p> <p><b>Involved Officer:</b> Bradley Mouser</p>	Under Investigation
BI-LA2023-00010	<p><b>Date:</b> 03/12/2023</p> <p><b>Decedent:</b> Kyle Sostek</p> <p><b>Agency:</b> San Bernardino County Sheriff's Department</p> <p><b>Location:</b> Big Bear, San Bernardino County</p> <p><b>Involved Officer:</b> Samuel Fuller</p>	Under Investigation
BI-SF2023-00002	<p><b>Date:</b> 03/04/2023</p> <p><b>Decedent:</b> Roberto Corchado</p> <p><b>Agency:</b> Fresno Police Department</p> <p><b>Location:</b> Fresno, California</p> <p><b>Involved Officer:</b> Bryce Hammond and Luke Tran</p>	Under Investigation

## DOJ Case

## Number

## Case Details

## Status

BI-LA2023-00008	<b>Date:</b> 02/10/2023 <b>Decedent:</b> Austin Heiselman <b>Agency:</b> Fullerton Police Department <b>Location:</b> La Habra, California <b>Involved Officer:</b> Nicholas Ashman, Mathew Green, Joshua Walker, and Juan Arenas	Under Investigation
BI-SA2023-00022	<b>Date:</b> 02/09/2023 <b>Decedent:</b> David Lawrence Couch III <b>Agency:</b> California Highway Patrol <b>Location:</b> Redding, California <b>Involved Officer:</b> Ryan Cates	Under Investigation
BI-LA2023-00005	<b>Date:</b> 01/22/2023 <b>Decedent:</b> Charles Robert Towns <b>Agency:</b> Los Angeles County Sheriff's Department <b>Location:</b> Altadena, California <b>Involved Officer:</b> Clarissa Prentice and Eliezer Morales	Under Investigation
BI-LA2023-00004	<b>Date:</b> 01/11/2023 <b>Decedent:</b> Christopher Lee Mercuio <b>Agency:</b> Los Angeles County Sheriff's Department <b>Location:</b> Santa Clarita, California <b>Involved Officer:</b> Lorena Gonzalez	Under Investigation
BI-RI2023-00001	<b>Date:</b> 01/11/2023 <b>Decedent:</b> Samuel Arredondo <b>Agency:</b> San Bernardino County Sheriff's Department <b>Location:</b> Joshua Tree, California <b>Involved Officer:</b> Aimee Coakley and Tyler Gilbert	Under Investigation

DOJ Case Number	Case Details	Status
BI-RI2022-00091	<p><b>Date:</b> 12/20/2022</p> <p><b>Agency:</b> Bakersfield Police Department</p> <p><b>Location:</b> Bakersfield, California</p> <p><b>Involved Officer:</b> Andrew Ferguson, James King, Chad Rogers, Cortez Summit, Anthony Flores, Nicholas Ashby, Dominic Ramirez, and Scott Lazenby</p>	Under Investigation
BI-LA2022-00049	<p><b>Date:</b> 12/18/2022</p> <p><b>Decedent:</b> Guillermo Medina</p> <p><b>Agency:</b> Culver City Police Department</p> <p><b>Location:</b> Culver City, California</p> <p><b>Involved Officer:</b> Adam Rios</p>	Under Investigation
BI-SF2022-00016	<p><b>Date:</b> 12/17/2022</p> <p><b>Decedent:</b> Victor Marquez Melendez</p> <p><b>Agency:</b> Woodlake Police Department</p> <p><b>Location:</b> Exeter, California</p> <p><b>Involved Officer:</b> Chris Kaious and Juan Gonzales</p>	Under Investigation
BI-LA2022-00046	<p><b>Date:</b> 12/08/2022</p> <p><b>Decedent:</b> John Ray Romero</p> <p><b>Agency:</b> San Diego Police Department</p> <p><b>Location:</b> San Diego, California</p> <p><b>Involved Officer:</b> Gregory Bergman, Jonathan Estrada, and Michael Thornton</p>	Under Investigation
BI-LA2022-00038	<p><b>Date:</b> 09/27/2022</p> <p><b>Decedent:</b> Savannah Graziano and Anthony John Graziano</p> <p><b>Agency:</b> San Bernardino County Sheriff's Department</p> <p><b>Location:</b> Hesperia, California</p>	Under Investigation

DOJ Case Number	Case Details	Status
BI-LA2022-00035	<p><b>Date:</b> 09/17/2022</p> <p><b>Decedent:</b> Luis Herrera</p> <p><b>Agency:</b> Los Angeles Police Department</p> <p><b>Location:</b> Los Angeles, California</p> <p><b>Involved Officer:</b> Luis Navarette</p>	Under Investigation
BI-LA2022-00027	<p><b>Date:</b> 07/27/2022</p> <p><b>Decedent:</b> Marcos Maldonado</p> <p><b>Agency:</b> Los Angeles Police Department</p> <p><b>Location:</b> Los Angeles, California</p> <p><b>Involved Officer:</b> David Gillardo and Alonso Vasques</p>	Under Investigation
BI-RI2022-00022	<p><b>Date:</b> 07/22/2022</p> <p><b>Decedent:</b> Jay Jackson</p> <p><b>Agency:</b> Riverside County Sheriff's Department</p> <p><b>Location:</b> Moreno Valley, California</p> <p><b>Involved Officer:</b> Robert Carrasco</p>	Under Investigation
BI-LA2022-00025	<p><b>Date:</b> 07/15/2022</p> <p><b>Decedent:</b> Trent William Millsap</p> <p><b>Agency:</b> Westminster Police Department</p> <p><b>Location:</b> Anaheim, California</p> <p><b>Involved Officer:</b> Miguel Gradilla and Alejandro Lopez</p>	Under Investigation
BI-SF2022-00007	<p><b>Date:</b> 07/13/2022</p> <p><b>Decedent:</b> Curtis Dale Barnett</p> <p><b>Agency:</b> Salinas Police Department</p> <p><b>Location:</b> Salinas, California</p> <p><b>Involved Officer:</b> Gabriel Garcia, Alejandro Jimenez, Eduardo Bejarano, and Jordy Urrutia</p>	Under Investigation
BI-LA2022-00022	<p><b>Date:</b> 06/21/2022</p> <p><b>Decedent:</b> Darnell Trevon Travis</p> <p><b>Agency:</b> Fontana Police Department</p> <p><b>Location:</b> Fontana, California</p> <p><b>Involved Officer:</b> Alex Millian</p>	Under Investigation

DOJ Case Number	Case Details	Status
BI-LA2022-00020	<p><b>Date:</b> 06/21/2022</p> <p><b>Decedent:</b> Earl Shane Holland</p> <p><b>Agency:</b> San Bernardino County Sheriff's Department</p> <p><b>Location:</b> Adelanto, California</p> <p><b>Involved Officer:</b> Justin Lopez</p>	Under Investigation
BI-SF2022-00004	<p><b>Date:</b> 05/19/2022</p> <p><b>Decedent:</b> Rafael Mendoza and Michael MacFhionghain</p> <p><b>Agency:</b> San Francisco Police Department</p> <p><b>Location:</b> San Francisco, California</p> <p><b>Involved Officer:</b> Aidan O'Driscoll, Daniel Rosaia, Trent Collins, and Joshua Dequis</p>	Under Investigation
BI-SF2022-00003	<p><b>Date:</b> 05/19/2022</p> <p><b>Decedent:</b> Austin Flores</p> <p><b>Agency:</b> Fresno Police Department</p> <p><b>Location:</b> Fresno, California</p> <p><b>Involved Officer:</b> Christopher Cooper</p>	Under Investigation
BI-LA2022-00016	<p><b>Date:</b> 05/04/2022</p> <p><b>Decedent:</b> John Joseph Alaniz</p> <p><b>Agency:</b> California Highway Patrol</p> <p><b>Location:</b> Paramount, California</p> <p><b>Involved Officer:</b> Ramon Silva</p>	Under Investigation
BI-LA2022-00013	<p><b>Date:</b> 04/09/2022</p> <p><b>Decedent:</b> Daniel Luis Valdivia</p> <p><b>Agency:</b> Covina Police Department</p> <p><b>Location:</b> Covina, California</p> <p><b>Involved Officer:</b> Vanessa Cardoza, David Meadows, and Billy Sun</p>	Under Investigation

## DOJ Case

## Number

## Case Details

## Status

BI-RI2022-00011	<b>Date:</b> 04/07/2022 <b>Decedent:</b> Travis Shane Tarrants <b>Agency:</b> Fontana Police Department <b>Location:</b> Fontana, California <b>Involved Officer:</b> Brandon Gossert, Johnsull Doakes, Joshua Nassar, Jociento DeLeon, and Leonard Sein	Under Investigation
BI-LA2022-00009	<b>Date:</b> 02/17/2022 <b>Decedent:</b> Pedro Morales Lopez <b>Agency:</b> Los Angeles County Sheriff's Department <b>Location:</b> Norwalk, California <b>Involved Officer:</b> Giovanni Lampignano	Under Investigation
BI-RI2022-00003	<b>Date:</b> 01/18/2022 <b>Decedent:</b> Joseph Thomas Tracy <b>Agency:</b> Riverside County Sheriff's Department, Hemet Police Department, and Riverside Police Department <b>Location:</b> Hemet, California <b>Involved Officer:</b> Chris Porrazzo, Josh Smith, Art Paez, and Richard Kerr	Under Investigation
BI-SF2022-00001	<b>Date:</b> 01/20/2022 <b>Decedent:</b> Nelson Szeto <b>Agency:</b> San Francisco Police Department <b>Location:</b> San Francisco, California <b>Involved Officer:</b> Steven Uang, Oliver Lim, David Wakayama, and Erik Whitney	Under Investigation
BI-LA2021-00036	<b>Date:</b> 12/23/2021 <b>Decedent:</b> Valentina Orellana Peralta and Daniel Abisai Elena Lopez <b>Agency:</b> Los Angeles Police Department <b>Location:</b> Los Angeles, California <b>Involved Officer:</b> William Jones	Under Investigation

## DOJ Case

## Number

## Case Details

## Status

BI-SF2021-00013	<b>Date:</b> 12/10/2021 <b>Decedent:</b> Guadalupe Zavala <b>Agency:</b> Antioch Police Department <b>Location:</b> Antioch, California <b>Involved Officer:</b> Scott Duggar, Theodore Chang, Ryan McDonald, and Eric Rombough	Under Investigation
BI-RI2021-00023	<b>Date:</b> 07/26/2021 <b>Decedent:</b> Samuel Soto <b>Agency:</b> Los Angeles Police Department <b>Location:</b> Los Angeles, California <b>Involved Officer:</b> Eduardo Martinez and David Foci	Under Investigation
BI-LA2021-00019	<b>Date:</b> 08/09/2021 <b>Decedent:</b> Luis Manuel Garcia-Arias <b>Agency:</b> Tustin Police Department <b>Location:</b> Tustin, California <b>Involved Officer:</b> Estela Silva	Under Investigation
BI-RI2021-00024	<b>Date:</b> 08/07/2021 <b>Decedent:</b> Che Noe Zuniga <b>Agency:</b> Bakersfield Police Department <b>Location:</b> Bakersfield, California <b>Involved Officer:</b> Carson Puryear, Scott Mann, Joshua Pena, Chad Dickson, and Desmond Ramseur	Under Investigation

# **EXHIBIT C**

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**ROB BONTA**  
*Attorney General*

# Case Archive

## Cases Previously Reviewed by the California Department of Justice

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys. Cases where the California Department of Justice has completed its review under AB 1506 are listed below.

DOJ Case Number	Case Details	Status
BI-RI2021-00030	<b>Date:</b> 09/28/2021 <b>Decedent:</b> Brandon Anthony Lopez <b>Agency:</b> Anaheim Police Department <b>Location:</b> Santa Ana, California <b>Involved Officer:</b> Kenneth Weber, Brett Heitman, Catalin Panov, and Paul Delgado	Report Issued

**DOJ Case****Number****Case Details****Status**

BI-LA2021-00027	<b>Date:</b> 09/28/2021 <b>Decedent:</b> Leonel Chavez <b>Agency:</b> California Highway Patrol <b>Location:</b> Los Angeles, California <b>Involved Officer:</b> Daniel Castaneda	Report Issued
BI-LA2021-00021	<b>Date:</b> 08/21/2021 <b>Decedent:</b> Juan Luis Olvera-Preciado <b>Agency:</b> Guadalupe Police Department <b>Location:</b> Guadalupe, California <b>Involved Officer:</b> Miguel Jaimes	Report Issued
BI-LA2021-00017	<b>Date:</b> 07/15/2021 <b>Decedent:</b> Matthew James Sova <b>Agency:</b> Los Angeles Police Department <b>Location:</b> Los Angeles, California <b>Involved Officer:</b> Christopher Tabela and Isaiah Galvez	Report Issued

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# **EXHIBIT D**

**From:** Sandra I. Alarcon  
**Sent:** Thursday, October 19, 2023 1:42 PM  
**To:** dalekgalipo@yahoo.com; jim@talktoterrell.com; sharonjbrunner@yahoo.com  
**Cc:** Eugene P. Ramirez; Kayleigh Andersen; Lacey Sipsey  
**Subject:** A.H., et al (PC) Meet-Confer Motion for Temporary Stay [900-59300]  
**Attachments:** PC.001.Meet-Confer Motion for Temporary Stay Letter.Defts.101923.pdf

To All:

Please see attached Meet and Confer Letter Motion for Temporary Stay. Thank you.

**Sandra I. Alarcon**

Legal Assistant



801 S. Figueroa St., 15th Floor  
Los Angeles, CA 90017  
Main: (213) 624-6900 Ext.: 2461  
[Sandra.Alarcon@manningkass.com](mailto:Sandra.Alarcon@manningkass.com) | [manningkass.com](http://manningkass.com)

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 DENNIS B. KASS  
 ANTHONY J. ELLROD  
 EUGENE P. RAMIREZ  
 FREDRIC W. TRESTER  
 LAWRENCE D. ESTEN  
 MILDRED K. O'LINN \*  
 ALFRED M. DE LA CRUZ  
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 BRIAN T. MOSS \*  
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 MICHAEL L. SMITH  
 LOUIS W. PAPPAS  
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DAVID R. RUIZ  
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 GLENN JOHNSTON  
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 COURTNEY NAKATANI  
 KIRK J. EDSON  
 MARK SENIOR  
 MIRIAM ORTIZ  
 KRISTINE RIZZO  
 JOANA COLOMA  
 RICHARD MOJICA

#227



15TH FLOOR AT 801 TOWER  
 801 SOUTH FIGUEROA STREET  
 LOS ANGELES, CALIFORNIA 90017-3012

Tel: (213) 624-6900

Fax: (213) 624-6999

ManningKass.com

October 19, 2023

LOAN DAO  
 CHANDRA CARR  
 MICHELLE J. MARTIN  
 DEANN RIVARD  
 DEREK G. BREDEFELD  
 OLESYA MIKHAYLOVA  
 ROYA FOHRER  
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 CALVIN PARK  
 LISA MARTINELLI  
 MAYA SORENSEN  
 PETYA HRABAR  
 WILLIAM NELSON

OF COUNSEL  
 JOHN D. MARINO \*  
 ARI MARKOW  
 TRISHA NEWMAN  
 MICHAEL A. WEISMANTEL  
 MARISA ZARATE  
 CAROL ROHR  
 KRISTOFER BUNDY  
 CHARLES MOLLIS  
 GEOFFREY PLOWDEN

\* Admitted in Multiple Jurisdiction  
 † Admitted to Practice Law in Arizona only

## VIA E-MAIL

Dale K. Galipo, Esq.  
 Law Offices of Dale K. Galipo  
 21800 Burbank Boulevard, Suite 310  
 Woodland Hills, California 91367  
 Tel: (818) 347-3333  
 E-Mail: dalekgalipo@yahoo.com

Sharon J. Brunner, Esq.  
 Law Office of Sharon J. Brunner  
 14393 Park Ave., Suite 100  
 Victorville, CA 92392  
 Tel: (760) 243-9997  
 E-Mail: sharonjbrunner@yahoo.com

James S. Terrell, Esq.  
 Law Office of James S. Terrell  
 15411 Anacapa Road  
 Victorville, CA 92392  
 Tel: (760) 951-5850  
 E-Mail: jim@talktoterrell.com

## Re: **A.H., et al. v. County of San Bernardino, et al. – Case No. 5:23-cv-01028** **Defendants' Motion to Stay**

Dear Counsel:

In accordance with Local Rule 7-3, we are writing to meet and confer with you prior to Defendants County of San Bernardino ("County") and Officer Justin Lopez ("Officer Lopez") (collectively, "Defendants") filing a motion for temporary stay of proceedings pending the California Department of Justice Investigation.

Defendants will move the Court for an Order temporary staying discovery against Defendant Officer Lopez. The grounds for this permitting civil discovery while a criminal investigation is pending would prejudice the individual officer defendants, who may be forced to choose between asserting their Fifth Amendment rights and being subjected to liability in the civil case.



Dale K. Galipo, Esq.

James S. Terrell, Esq.

Sharon J. Brunner, Esq.

**Re: Defendants' Motion to Stay**

October 19, 2023

Page 2

First, absent a stay of discovery, it is highly likely that Defendant Officer Lopez's Fifth Amendment right against self-incrimination will be severely infringed.

Second, should Defendants be forced to begin producing information and records, that disclosure could put potential witnesses and suspects in danger and compromise the integrity of the CA DOJ investigation. This would result in a miscarriage of justice.

Third, given the pending nature of the CA DOJ investigation, any discovery pertaining to this incident would be the subject to the ongoing CA DOJ investigation, and thus privileged from disclosure under federal law.

Finally, Plaintiffs should not be prejudiced by a temporary, narrowly-drawn stay considering litigation can proceed against Defendant County.

The Court has inherent authority to stay any action within its jurisdiction. *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). This power may be properly exercised in order to defer civil proceedings pending the outcome of related criminal proceedings whenever "the ends of justice seem to require such an action." *United States v. Kordel*, 397 U.S. 1, 12, n.27 (1970). The Court will take into consideration the *Keating* factors to determine whether a stay of discovery and/or proceedings is warranted. *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324 (9th Cir.1995). These factors include:

- (1) the interest of the plaintiffs in proceeding expeditiously with this litigation or any particular aspect of it, and the potential prejudice to plaintiffs of a delay;
- (2) the burden which any particular aspect of the proceedings may impose on defendants;
- (3) the convenience of the court in the management of its cases, and the efficient use of judicial resources;
- (4) the interests of the public in the pending civil and criminal litigation.

Defendants fully meet the factors outlined above. Defendants believe the Court will grant this request given that the burden imposed upon Defendant Officer Lopez in regards to his Fifth Amendment rights greatly outweighs any potential prejudice to Plaintiffs.

For the reasons described above, Defendants respectfully request that Plaintiffs stipulate to a stay of discovery as related to Defendant Officer Lopez until the California Department of Justice investigation is complete. This will prevent the parties from unnecessarily litigating formal motions before the Court and wasting resources.

However, should Plaintiffs decline to stipulate to such a narrowly drawn stay, Defendants will move the Court for an Order in accordance with the request above.



Dale K. Galipo, Esq.

James S. Terrell, Esq.

Sharon J. Brunner, Esq.

**Re: Defendants' Motion to Stay**

October 19, 2023

Page 3

Please respond to this letter and let me know if Plaintiffs intend to stipulate to Defendants' request for a temporary stay. If Plaintiffs do not agree to stipulate to Defendants' request, please respond to this letter and advise when you are available to further discuss the issues raised herein as prescribed by L.R. 7-3.

Very truly yours,

**MANNING | KASS**

*Kayleigh Andersen*

Kayleigh Andersen, Esq.

KAA/lns

# **EXHIBIT E**

---

**From:** rvalentine@galipolaw.com  
**Sent:** Thursday, October 26, 2023 8:52 AM  
**To:** Kayleigh Andersen  
**Cc:** Lacey Sipsey  
**Subject:** RE: A.H., et al (PC) Meet-Confer Motion for Temporary Stay [900-59300]

Hi Kayleigh,

Thanks for reaching out. After checking with Dale, [REDACTED], but would not agree to a stay. [REDACTED].

Renee

---

**From:** Kayleigh Andersen <Kayleigh.Andersen@manningkass.com>  
**Sent:** Thursday, October 26, 2023 8:21 AM  
**To:** rvalentine@galipolaw.com  
**Cc:** Lacey Sipsey <Lacey.Sipsey@manningkass.com>  
**Subject:** FW: A.H., et al (PC) Meet-Confer Motion for Temporary Stay [900-59300]

Good morning Renee,

I see you were not on the original email with our meet and confer letter. I am hoping to speak with you either today or tomorrow about our anticipated motion to stay. Please let me know if you have any time in the next two days.

Thank you,  
Kayleigh

## Kayleigh Andersen

Partner



801 S. Figueroa St., 15th Floor  
Los Angeles, CA 90017  
Main: (213) 624-6900 | Ext.: 2447  
Direct: (213) 553-2447  
[Kayleigh.Andersen@manningkass.com](mailto:Kayleigh.Andersen@manningkass.com) | [manningkass.com](http://manningkass.com)

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**From:** Sandra I. Alarcon <[Sandra.Alarcon@manningkass.com](mailto:Sandra.Alarcon@manningkass.com)>  
**Sent:** Thursday, October 19, 2023 1:42 PM

**To:** [dalekgalipo@yahoo.com](mailto:dalekgalipo@yahoo.com); [jim@talktoterrell.com](mailto:jim@talktoterrell.com); [sharonjbrunner@yahoo.com](mailto:sharonjbrunner@yahoo.com)  
**Cc:** Eugene P. Ramirez <[Eugene.Ramirez@manningkass.com](mailto:Eugene.Ramirez@manningkass.com)>; Kayleigh Andersen  
<[Kayleigh.Andersen@manningkass.com](mailto:Kayleigh.Andersen@manningkass.com)>; Lacey Sipsey <[Lacey.Sipsey@manningkass.com](mailto:Lacey.Sipsey@manningkass.com)>  
**Subject:** A.H., et al (PC) Meet-Confer Motion for Temporary Stay [900-59300]

To All:

Please see attached Meet and Confer Letter Motion for Temporary Stay. Thank you.

**Sandra I. Alarcon**

Legal Assistant



801 S. Figueroa St., 15th Floor  
Los Angeles, CA 90017  
Main: (213) 624-6900 Ext.: 2461  
[Sandra.Alarcon@manningkass.com](mailto:Sandra.Alarcon@manningkass.com) | [manningkass.com](http://manningkass.com)

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